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TOWARDS A CONCEPTUAL UNDERSTANDING OF PERSONAL ACCIDENT TAKAFUL IN MALAYSIA'S DUAL FINANCIAL SYSTEM

Muhammad Azim Rosli [1]
Halipah Hamzah [2*]
Azizon Salleh [3]

[1] Malayan Banking Berhad (Maybank), Kuala Lumpur, Malaysia. (E-mail: azimmhd5@gmail.com)
[2] Academy of Contemporary Islamic Studies, Universiti Teknologi MARA (UiTM) Cawangan Pulau Pinang, Kampus Permatang Pauh, 13500 Pulau Pinang, Malaysia, (Email: shalipah@uitm.edu.my)
[3] Academy of Contemporary Islamic Studies, Universiti Teknologi MARA (UiTM) Cawangan Pulau Pinang, Kampus Permatang Pauh, 13500 Pulau Pinang, Malaysia. (E-mail: azizon528@uitm.edu.my)
* Corresponding author

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Abstract: *The concept of Personal Accident Takaful in Malaysia reflects a unique integration of Islamic financial principles within the framework of risk protection against accidental harm, disability, or death. Rooted in the foundational values of mutual assistance, risk sharing, and ethical investment, Personal Accident Takaful serves as a Shariah-compliant alternative to conventional personal accident insurance. This paper provides a comprehensive analysis of the theoretical underpinnings, operational models, and regulatory dimensions of Personal Accident Takaful as practiced in the Malaysian Takaful industry. Emphasis is placed on the structural differences between Takaful and conventional insurance, particularly in relation to contract elements, risk pooling, and surplus distribution. The study further examines the role of regulatory authorities, especially Bank Negara Malaysia, in overseeing Takaful operations to ensure Shariah compliance and consumer protection. Through a qualitative and doctrinal methodology, the paper identifies current challenges such as limited public awareness, product standardisation, and competitive positioning, while also exploring growth opportunities in Malaysia's dual financial system. This study contributes to the body of knowledge on Islamic insurance by critically evaluating the viability, effectiveness, and ethical dimensions of Personal Accident Takaful in a modern, pluralistic society.*

Keywords: *Personal Accident Takaful, Islamic insurance, shariah compliance, risk sharing, Malaysia Takaful Industry*

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Introduction

The takaful industry in Malaysia is growing rapidly, in line with the expansion of the Islamic banking sector. Takaful is increasingly popular worldwide, and it has become the insurance policy of choice in Malaysia. Here we see a new development that shows how Islamic risk management and control may take a different approach. Takaful is often established to supplement the operations of Bank Islam Malaysia Berhad which was established in 1983. Takaful organizations provide an alternative to traditional insurance and have a positive impact on the lives of Muslims who need sharia-based financial security (Islamic Banking & Finance Institute Malaysia, 2007). To address the needs of Muslims in Malaysia who need risk management in the event of disasters, takaful, an Islamic risk management instrument, was established twenty-five years ago. Importantly, unlike conventional insurance contracts, these contracts do not include customary components of riba, gharar, and maysir. According to Sukmaningrum et al. (2022), takaful reflects the shared ideals in society, which makes it highly relevant to the principle of Muslim brotherhood.

Takaful was introduced in Malaysia to meet the needs of Muslims who need risk management from any calamity. This method of managing risk can be used in any scenario, such as those involving finance, accidents, and so on. To date, it cannot be denied that there has been significant development in the takaful industry sector.

The Islamic financial system has witnessed significant growth globally, particularly in Muslim-majority countries such as Malaysia, where efforts to develop Shariah-compliant financial products have been robust and comprehensive. Among these offerings, Takaful based on mutual cooperation and shared responsibility has emerged as a viable alternative to conventional insurance. Rooted in the principles of mutual assistance and voluntary contribution, Takaful aligns with the ethical and moral teachings of Islam, prohibiting elements such as interest, uncertainty, and gambling, which are commonly found in conventional insurance contracts.

One of the key segments within the Takaful industry is Personal Accident Takaful, which provides financial coverage and benefits in the event of accidental death, injury, or permanent disability. This product serves as a crucial risk management tool, especially in today's unpredictable environment, where accidents may result in significant economic hardship. In Malaysia, the growing awareness of financial planning and Islamic values has fueled interest in Takaful products, including personal accident coverage. However, despite the structured regulatory support from institutions such as Bank Negara Malaysia and the presence of various Takaful operators, public understanding and participation in Personal Accident Takaful remains relatively low compared to conventional insurance products.

Several previous studies have investigated this topic, including research conducted by Siti Aisyah Samsudin and Siti Zubaidah Ismail in 2018, Norunnajjah Ahmat and Mohd Safari bin Sarodin in 2016, and Siti Khadijah Mohd Khair and Nuarrual Hilal MD Dahlan in 2019. In addition, Personal Accident Takaful performs an additional protection function for individuals beyond ENS and personal protection. In the event of the death of an accident victim or permanent disability, this insurance provides financial assistance to their family members, helping to ease the financial burden they may face. When victims experience long-term disability, their care costs may be significant, including essential needs such as food, medicine, clothing and other related supplies. The compensation received is sufficient to cover the costs involved in providing care for the victim by family members until the end of their lives.

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Previous research has examined the subject of Personal Accident Takaful. This phenomenon arises due to a lack of comprehensive understanding of the nature of Personal Accident Takaful, its associated advantages, and the differences it holds compared to conventional insurance. The lack of understanding can result in individuals missing out on opportunities to protect their finances. This assertion is supported by Nuraliani Jamlus Rafdi (2017), who identified various elements that affect an individual's decision to participate in takaful, with awareness being one of them.

In the absence of sufficient understanding, consumers may potentially misjudge the inherent dangers associated with unexpected events and the potential financial consequences for themselves and their loved ones. This situation can leave individuals exposed to financial harm when unexpected events occur. People also perceive Personal Accident Takaful as burdensome and lacking utility in the context of their lives. Such behavioral incidents are less likely to occur if individuals have a high level of awareness and personally experience an accident where they are left to fend for themselves without any assistance to maintain their well-being.

Despite the rapid growth of the Takaful industry in Malaysia and strong regulatory support, public awareness, understanding and participation in Personal Accident Takaful remains low, especially compared to conventional insurance products. Many individuals do not have a comprehensive understanding of the concept, operating mechanisms and benefits of Personal Accident Takaful, which can result in missing out on opportunities for effective financial protection in the event of an accident. This low awareness and perceived irrelevance of this Takaful product highlights a critical gap in public education and engagement strategies, especially given the important role that Personal Accident Takaful can play in offering financial security and a Shariah-compliant social safety net in Malaysia’s dual financial system.

This paper aims to explore the conceptual foundation, operational framework, and implementation of Personal Accident Takaful in Malaysia. It will also examine the role of regulatory bodies, assess public awareness and perception, and identify the key challenges and opportunities facing the sector. By doing so, the study hopes to contribute to a more comprehensive understanding of how Personal Accident Takaful functions within Malaysia’s Islamic finance landscape and to provide recommendations for enhancing its outreach and effectiveness. The subject of Personal Accident Takaful carries a considerable significance, especially for those who follow the Islamic religion. Accidents can happen in many places and at any time. Takaful, if established, has the capacity to offer contributors a level of assistance in maintaining their livelihood. There is a significant incidence of motor vehicle accidents and occupational injuries. This resource acts as a primary source of information for customers to fully understand the importance of Personal Accident Takaful.

The Concept of Personal Accident Takaful According to Islamic Perspective

The concept of Takaful, as an Islamic alternative to conventional insurance, has been widely discussed in both classical and contemporary Islamic finance literature. Rooted in the principles of mutual assistance (*ta’awun*) and voluntary contribution (*tabarru’*), Takaful is designed to uphold Shariah principles by eliminating the elements of *riba* (interest), *gharar* (excessive uncertainty), and *maysir* (gambling), all of which are explicitly prohibited in Islam (Obaidullah, 2005; Dusuki & Abdullah, 2007). Unlike conventional insurance which is primarily based on risk transfer between the insurer and the insured, Takaful is structured around mutual risk sharing among participants.

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In recent years, the concept of Takaful, particularly in the context of Personal Accident Takaful, has garnered increasing attention in Islamic finance scholarship. This section reviews key literature addressing the theoretical foundations, legal implications, and practical applications of Personal Accident Takaful from an Islamic perspective.

Theoretical Foundations of Takaful

Takaful is often described as an ethical and Shariah-compliant alternative to conventional insurance. It is built upon principles of mutual cooperation, solidarity, and collective responsibility. According to Ayub (2007), Takaful fundamentally differs from conventional insurance in its reliance on risk pooling, where participants contribute to a shared fund intended to assist members who experience loss or hardship embodying the Islamic value of social solidarity.

The risk-sharing mechanism in Takaful contrasts with the profit-oriented model of conventional insurance, which involves transferring risk to an insurer in exchange for a premium (Sarea, 2011). From the Islamic perspective, Takaful avoids *riba*, *gharar*, and *maysir* by emphasizing donation-based contributions and collective responsibility rather than speculative profit. As noted by Usmani (2007), this ethical foundation ensures that Takaful remains aligned with Islamic teachings while providing a just and supportive financial safety net for participants.

The History of Takaful Implementation in Early Islam

Islam encourages its followers to always be prepared for the uncertainties and challenges of life. A lack of readiness at an early stage may expose individuals to greater harm. Risk inherently involves the possibility of loss. In other words, there is always a chance that anticipated events may not occur, while unanticipated events may bring about loss (James L. Athearn, 1997). Risks such as natural disasters, accidents, and even death are inevitable aspects of human life.

Therefore, the Prophet Muhammad (SAW) advised individuals to be prepared in facing potential risks in order to reduce their negative consequences. This principle is reflected in the words of the Prophet SAW:

> *"Indeed, a believer is one who provides safety and protection for the property and life of others."*

The concept of takaful can be historically linked to the event of the union between the *Muhajirin* (migrants from Makkah) and the *Ansar* (helpers from Madinah). This merger embodied the spirit of cooperation and mutual support, fundamental elements in takaful. One of the early systems resembling takaful is the concept of *'aqilah*, a form of collective responsibility and financial support within a community or tribe.

As Islamic civilisation progressed, takaful evolved—particularly from the second century of the Islamic calendar—drawing from earlier models and adapting to emerging needs. Arab traders, who frequently travelled to distant regions such as India and the Malay Archipelago, were exposed to significant travel risks due to the long and uncertain journeys. In response, a system was introduced where a predetermined sum of money was collected from the traders as a form of guarantee or contribution. This pool of funds served as compensation for any trader who suffered a loss, reflecting the foundational spirit of modern-day takaful.

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Personal Accident Takaful: Coverage and Benefits

Personal Accident Takaful provides financial protection in the event of accidental injury, permanent disability, or death. It aims to ease the financial burden arising from unforeseen incidents that can result in high medical expenses, income loss, or long-term care needs. Ahmed (2013) highlights that this form of Takaful addresses the unpredictable nature of accidents, which are increasingly prevalent in modern society, particularly in the workplace and during daily activities (Alharthi, 2015).

Under this scheme, participants make contributions—viewed as donations (*tabarru'*)—into a general Takaful fund. In the event of an accident involving a participant, the fund is used to provide financial assistance in accordance with the terms of the agreement. This cooperative model reinforces the values of solidarity and mutual aid, distinguishing it from profit-driven insurance models (Khan, 2010).

Personal Accident Takaful is typically offered on an annual basis but may also be structured for shorter periods, such as travel protection plans. Policies generally cover accidents occurring at any time and in any location globally, subject to policy terms and conditions.

Regulatory Framework and Implementation in Malaysia

In Malaysia, Personal Accident Takaful operates under the comprehensive regulatory oversight of Bank Negara Malaysia (BNM), which supervises both Islamic and conventional financial institutions. Regulatory guidelines ensure that Takaful products adhere to Shariah principles and provide transparency and protection for consumers. Rosly (2005) emphasizes that the Malaysian government has played an active role in establishing a sound regulatory infrastructure that supports the growth and credibility of the Takaful industry.

Despite the sector's growth, public awareness and understanding of Personal Accident Takaful remain relatively low. Ismail and Kasim (2014) observe that a significant portion of the Malaysian population is unfamiliar with the concept, particularly in comparison to conventional insurance products. This suggests a need for more targeted education and promotional efforts to bridge the knowledge gap.

Upon joining a Personal Accident Takaful scheme, participants contribute a predefined amount to the general Takaful fund. In the event of an accident leading to death, disability, or injury, assistance is provided to the affected participant based on the mutual commitment outlined in the contract. Additionally, if a participant does not make any claims during the coverage period, they may be eligible to receive a portion of the fund's surplus. This surplus is distributed according to pre-agreed ratios between participants and Takaful operators, in line with the principle of surplus sharing (Yusof, 1996).

Arifin et al. (2022) further highlight that knowledge plays a significant role in shaping young Muslim consumers' perceptions of Takaful in Malaysia, underscoring the importance of increasing public literacy to enhance participation and trust in the Takaful system.
Personal Accident Takaful Law in Malaysia

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Financial Services Act 2013 (Act 758)

The implementation of personal accident takaful in Malaysia is governed under the Financial Services Act 2013 (Act 758), which serves as a comprehensive legal framework for the regulation and supervision of financial institutions, including takaful operators. This legislation was introduced to ensure sound financial governance and to oversee entities such as financial institutions, payment systems, and markets, both domestically and internationally. Act 758 also regulates matters incidental to supervisory functions, particularly those concerning financial compensation for individuals involved in accidents and covered under valid insurance or takaful policies.

A personal accident policy, as defined under Act 758, refers to an insurance or takaful plan that provides predetermined monetary benefits, indemnity payments, or both, in cases involving injury, death, or disability arising from accidents or illnesses. This definition includes personal accident policies taken by policyholders on their own lives, as well as life policies as described in Section 23 of the Civil Law Act 1956 [Act 67]. The legal framework under this Act governs the disbursement of benefits for both life insurance and personal accident policies in the event of the policyholder's death.

The Act further outlines procedures for claims settlement. If a claim is submitted under a personal accident or life policy due to the policyholder's death, the licensed insurer or takaful operator is required to make payment within sixty days from the date of claim notification. Failure to comply with this timeline obligates the insurer to pay compound interest on the outstanding amount. This interest is calculated based on the average fixed deposit rate of licensed banks over a twelve-month period, as published by Bank Negara Malaysia, with an additional one percent added. Interest begins to accrue after the initial sixty-day period and continues until full payment is made.

In situations where the policy funds are to be paid to the executor or legal administrator of the deceased policyholder's estate, the same interest rules apply to the remaining policy funds. However, in this case, the interest begins to accumulate sixty days after the submission of legal documents, such as the probate order, power of attorney for administration, or distribution order, and continues until the payment is completed. This provision ensures that policyholders' beneficiaries are fairly compensated without undue delay, while also reinforcing the operational accountability of takaful providers under Malaysian law.

Islamic Financial Services Act 2013 (Act 759)

The Islamic Financial Services Act 2013 (Act 759) was enacted in Malaysia to regulate and supervise Islamic financial institutions, payment systems, and related entities. This Act also provides for the oversight of the Islamic money market and the Islamic foreign exchange market, with the overarching objectives of promoting financial stability and ensuring Shariah compliance. Additionally, the Act addresses matters related to, arising from, or incidental to these functions. Under Act 759, a "personal accident takaful certificate" is defined as a type of takaful certificate that provides fixed financial benefits or indemnity payments, or both, to the insured person in the event of injury, death, or incapacity caused by disease.

The personal accident takaful certificate is issued as part of a takaful contract made by the participant for their own life, ensuring that benefits are payable upon the death or disability of the participant. Similarly, the family takaful certificate also offers benefits upon the death of the participant, in line with the goals of family protection within the framework of Islamic

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finance. Both the family takaful and personal accident takaful certificates are designed to provide takaful benefits in the event of the participant's death, with the intention of alleviating financial burdens on the family.

If a claim, or part of a claim, made under a family takaful certificate or personal accident takaful certificate is not paid by a licensed takaful operator within sixty days from the notification of the claim, the operator is required by law to pay a minimum compensation. This compensation is calculated as the participant's risk fund investment return rate plus one percent (or any other rate determined by Bank Negara Malaysia) on the date of the participant's death. This provision, as stated in Article 12(2), ensures that compensation is paid for any delays in the settlement of claims.

Furthermore, the compensation outlined in sub-paragraph (1) applies only to the remaining takaful benefits if these benefits are payable by the licensed takaful operator to the executor or legal administrator of the deceased participant's estate. The compensation is calculated from the time the probate order, power of attorney for administration, or distribution order is submitted by the executor or administrator until the date of payment. This ensures the timely and fair distribution of the takaful benefits to the legal heirs of the deceased.

Development of Takaful Industry in Malaysia

Prior to the establishment of Takaful in Malaysia, Muslims and non-Muslims alike were only able to secure insurance coverage through traditional insurers. This scenario remained unchanged until approximately 33 years ago, when significant developments in the Takaful business began to take shape in Malaysia. One of the earliest milestones was the passing of the Takaful Act in 1984, followed by the establishment of the first Takaful corporation in 1985. Since then, the Takaful industry in Malaysia has seen substantial growth and is increasingly recognized as a key component of the country's broader Islamic financial system.

By 2007, there were eight Takaful operators in Malaysia, a number that grew to eleven by 2011, indicating the sector's steady progress. The year 2012 marked a particularly noteworthy period, with the Takaful business in Malaysia experiencing a 21% increase in growth. The liberalization of Islamic finance in Malaysia further catalyzed this expansion, attracting international institutions and fostering a competitive and diverse market. By 2012, the number of Takaful operators had risen to twelve, while the number of retakaful operators had reduced to four. Malaysia also witnessed the participation of five international players from countries including Japan, Canada, Bahrain, Germany, and Singapore, making active contributions to both local and global financial markets.

As part of its efforts to promote the sector, Malaysia has actively encouraged international financial institutions to establish Takaful and retakaful operations within the country. This move aims to facilitate dealings in foreign currencies and contribute to the rapid growth and advancement of the industry. In recent years, Malaysia has also seen a number of significant mergers and acquisitions (M&A) within the ASEAN region, with major players from various industries such as insurance companies, Takaful businesses, brokerage firms, and special purpose vehicles participating in these transactions. These developments have led to a surge in foreign insurers entering the Takaful market, further intensifying competition.

Examples of notable mergers include AIA AFG Takaful Berhad, a joint venture between AIA Berhad and Alliance Bank Malaysia Berhad. AIA AFG Takaful Berhad focuses on offering

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insurance products, while Sun Life Malaysia, a joint venture between Sun Life Financial Incorporated of Canada and Khazanah Nasional Berhad, has a strategic bancassurance partnership with CIMB Bank. This collaboration allows Sun Life Malaysia to distribute its products nationwide through CIMB Bank's extensive branch network. Similarly, AIA Public Takaful Berhad, formerly known as ING Public Takaful Ehsan Berhad, is jointly owned by AIA Group, Public Bank Berhad, and Public Islamic Bank Berhad, with an ownership split of 60%, 20%, and 20%, respectively.

Another example is Great Eastern Takaful Berhad, a joint venture between I Great Capital Holdings Sdn Bhd (a subsidiary of Great Eastern Holdings Limited) and Koperasi Angkatan Tentera (Malaysia) Berhad. This firm, previously known as Great Eastern Takaful Sdn Bhd, demonstrates the trend of international insurance companies entering the Malaysian Takaful market to capitalize on the growing prospects in the region. The Southeast Asian market, with its predominantly Muslim population, presents significant untapped potential for Islamic banking and Takaful services.

The World Takaful Report 2012 highlighted that Malaysia has one of the highest average gross written contributions per operator in the Takaful sector. In 2010, the 14 operators in Malaysia collectively increased their gross written contributions by an average of $20 million USD. This robust growth signals Malaysia's strong position as a leader in the Takaful industry within the global market.

Current Issues of Takaful in Malaysia

Over the past decade, the Takaful industry, which operates in accordance with Islamic principles, has experienced significant growth and increasing popularity in Malaysia. Despite this success, the sector faces several challenges that hinder its full potential. One of the primary obstacles is the limited awareness and understanding of Takaful products and services among the general population. A study by Mansor and Ramli (2020) revealed that the lack of awareness among consumers significantly impedes the growth of the Takaful industry in Malaysia. This knowledge gap restricts the adoption of Takaful solutions, affecting its overall market penetration.

Another major challenge facing the industry is the lack of uniformity and synchronization regarding Shariah compliance and regulatory standards across the sector. Mohamed and Hamdan (2021) highlighted the existence of varying interpretations of Shariah principles among different Takaful operators and regulatory bodies. These discrepancies have led to inconsistencies in the products offered and the operational procedures followed, undermining the credibility of the Takaful industry and potentially exposing clients to risks due to insufficient protection measures.

Additionally, concerns regarding the financial performance of Takaful operators in Malaysia persist. Research by Mohd Ariffin and Abdul Razak (2020) shows that while the Takaful sector has continued to grow, it has struggled to achieve profitability. The high operational costs and limited investment opportunities available for Takaful funds have contributed to this challenge, affecting the overall financial sustainability of many operators.

The issue of transparency and accountability has also emerged as a growing concern. Noh and Saad (2020) emphasized the need for greater openness regarding the financial performance and operations of Takaful operators. Enhancing transparency would help build trust and confidence

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among customers, enabling them to make more informed decisions when selecting Takaful products and services.

Furthermore, the necessity for innovation and digitalization within the Takaful sector has become more apparent. A study by Ismail and Yussof (2021) underscores the importance for Takaful operators to adopt digital platforms and innovative approaches to stay competitive. The creation of user-friendly digital platforms and the development of tailored Takaful products that meet the evolving needs of customers are essential steps for the industry to remain relevant in a rapidly changing market.

Despite its growth and potential, the Takaful industry in Malaysia faces multiple challenges, including issues of awareness, Shariah compliance, financial performance, and transparency. To overcome these challenges, it is crucial for Takaful operators to adopt a customer-centric approach and embrace digital transformation. By doing so, they can ensure sustained growth, innovation, and further development of the sector. Additionally, issues such as surplus distribution, as discussed by Abd Rahim et al. (2017) and Wahab (2018), continue to be areas of concern, with criticism directed at Takaful operators for failing to fully address the needs of participants in the Takaful programs.

Methodology

This study uses a qualitative research approach to explore the conceptual foundations, regulatory environment, and public perceptions surrounding Personal Accident Takaful in Malaysia's dual financial system. The methodology is structured into three core components: data collection, sampling strategy, and analytical framework.

Data Collection

Data was collected through document analysis of both primary regulatory documents and secondary literature sources. Primary sources include official documents and guidelines issued by Bank Negara Malaysia (BNM) such as the Takaful Operations Framework (2020) and Guidelines on Transparency and Product Disclosure, the Islamic Financial Services Board (IFSB), specifically IFSB-11: Solvency Requirements Standards for Takaful Undertakings (Islamic Insurance) and the annual report of the Malaysian Takaful Association (MTA), the annual report of the Malaysian Takaful Association (MTA) 2022. These documents are important in understanding the regulatory structure, Shariah compliance requirements, product governance, and consumer protection mechanisms in the Takaful sector.

Secondary data included academic journal articles, industry reports, takaful operators' brochures, policy documents, and websites, which helped to examine the conceptual and operational differences between conventional and Islamic insurance, with a focus on Personal Accident Takaful.

Sampling Strategy

A purposive sampling method was adopted to select case studies of Personal Accident Takaful products from four major Takaful operators in Malaysia; Etiqa Takaful Berhad – Personal Accident Takaful Plan (e.g., ePA), Takaful Ikhlas Family Berhad – IKHLAS Personal Accident Benefit Rider (IPABR), Syarikat Takaful Malaysia Keluarga Berhad – PA takaful under Takaful myClick and Zurich Takaful Malaysia Berhad – Personal Accident Takaful Plan. These operators were selected due to their large market share, product diversity, and availability of

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public data. Product brochures, disclosure documents, and official websites were reviewed to understand product features, risk coverage, pricing models, and value propositions.

Analytical Framework

The study employed thematic analysis as its main analytical framework. Thematic analysis enables the identification, organization, and interpretation of patterns in qualitative data. Key themes emerged across three dimensions: regulatory compliance and alignment with Shariah principles (e.g., exclusion of usury, gharar, maysir), public awareness and misconceptions surrounding Takaful, and operational and structural differences between conventional personal accident insurance and Takaful-based models. This analytical approach provided a nuanced understanding of the various dimensions that influence the uptake and concept of Personal Accident Takaful in Malaysia.

Conclusion

The development of Personal Accident Takaful in Malaysia highlights the nation's commitment to fostering a Shariah-compliant financial system that aligns with both ethical and social objectives. Built on the principles of mutual cooperation and voluntary contribution, Personal Accident Takaful provides an Islamic alternative to conventional accident insurance by eliminating elements that are prohibited in Islam, such as interest (riba), uncertainty (gharar), and gambling (maysir).

In Malaysia, regulatory support from institutions like Bank Negara Malaysia (BNM) and the Shariah Advisory Council (SAC) has been instrumental in shaping a well-regulated and transparent Takaful industry. Personal Accident Takaful products are designed to offer financial protection in the event of accidents, disability, or death, while also fostering financial solidarity among participants. The incorporation of models such as wakalah and mudarabah, alongside Shariah governance and surplus-sharing mechanisms, further enhances consumer trust and upholds market integrity.

As public awareness of ethical financial solutions continues to grow, Personal Accident Takaful in Malaysia is poised for further expansion and evolution. This growth not only supports national objectives of financial inclusion and social welfare, but also ensures adherence to Islamic principles, making it a crucial component of Malaysia’s evolving financial landscape.

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